

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

DANIEL STORM,

Case No. 14-cv-1380-pp

Plaintiff,

v.

PATRICIA SAVASTA,  
UNITED STATES OF AMERICA,  
UNITED STATES PAROLE COMMISSION, and  
JOHN DOE,

Defendants.

---

**ORDER GRANTING IN PART MOTION FOR LEAVE TO PROCEED *IN FORMA*  
*PAUPERIS***

---

Daniel Storm, representing himself, has filed a complaint under 42 U.S.C. §1983, alleging that the defendants violated his civil rights. He also has filed a petition for leave to proceed *in forma pauperis*.

A district court may authorize a plaintiff to proceed *in forma pauperis*—meaning that he does not have to pre-pay the \$400 filing fee to commence a civil lawsuit—if the plaintiff submits an affidavit listing his assets, indicating that he is unable to pay the fees, and stating his belief that he is entitled to the relief he seeks. 28 U.S.C. §1915(a).

The plaintiff's Petition and Affidavit to Proceed Without Prepayment of Fees and/or Costs indicates that he receives \$800 a month in SSI, that he has \$700 in a bank account, and that he has monthly living expenses of \$775 per

month. He also indicates that he lives with his fiancée, and that he contributes to the household expenses.

A district court has the discretion to order a plaintiff to pay a portion of the filing fee, and to waive the remainder, when it finds that the plaintiff cannot pay the full expense, but can pay part of it. *See Longbehn v. United States*, 169 F.3d 1082, 1083 (7<sup>th</sup> Cir. 1999). In this case, the plaintiff has monthly income, some funds in a bank account, and lives with another person. In the court's opinion, the plaintiff has the ability to pay \$160 of the filing fee. The court will require him to pay that amount, but will waive the remainder of the \$400 filing fee.

The court hereby **ORDERS** that the plaintiff's Petition to Proceed Without Prepayment of Fees and/or Costs is **GRANTED**, to the extent that the court will allow him to proceed *in forma pauperis* upon partial payment of **\$160** to the district court clerk; the court will **WAIVE** the remainder of the \$400 fee. The court **ORDERS** the plaintiff to pay this partial payment to the clerk of the district court within twenty-one (21) days of the date of this order.

The court further **ORDERS** that upon the plaintiff's payment of \$160, the U.S. Marshals Service shall serve a copy of the complaint, a waiver of service form and/or the summons, the magistrate judge consent/refusal form, and this order upon the defendant, pursuant to Fed. R. Civ. P. 4. The court advises the plaintiff that Congress requires the U.S. Marshals Service to charge for making, or attempting to make, such service. 28 U.S.C. §1921. The full fee schedule appears at 28 C.F.R. §0.114(a)(2)-(3). Even though Congress requires

the court to order the U.S. Marshals Service to provide service when it allows a person to proceed *in forma pauperis*, Congress has not allowed either the court or the U.S. Marshals Service to waive those fees.

The court further advises the court that he must notify the clerk's office of any change of address. Failure to do so could result in orders or other important information not being timely delivered. Failure to timely pay fees or file documents may result in the court dismissing the case for failure to prosecute.

Dated at Milwaukee, Wisconsin this 28<sup>th</sup> day of January, 2015.

BY THE COURT:

---

HON. PAMELA PEPPER  
United States District Court